

16 December 2005

Ex Parte – Electronic Filing

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20065

*Re: In the Matter of Communications Assistance for Law Enforcement Act and
Broadband Access and Services, ET Doc. No. 04-295/RM-10865*

Dear Ms. Dortch:

On Thursday, 16 December 2005, on behalf of the Information Technology Industry Council (ITI), Joby Fortson of Apple, Inc and undersigned counsel met with Scott Bergmann, Legal Advisor to Commissioner Adelstein, in connection with the above-noted proceeding.

During this meeting, we suggested that the Commission should use the opportunity presented by the Second Report & Order to reaffirm its conclusion that CALEA obligations do not apply to private broadband networks, such as those maintained by corporations and universities. We also urged the Commission to reset the compliance clock for CALEA obligations, so that the mandated deadline would not begin to run until the Second Report & Order is formally issued. In addition, we pointed out that the current deadline – however calculated – was so short that the deadline, not the market, would determine CALEA solutions since robust CALEA solutions currently being developed would be excluded from the market. Thus, we suggested that Second Report & Order make clear that providers will be permitted (without penalty) to adopt newer, more robust CALEA solutions even if they cannot be implemented within the current deadline. Finally, we urged the Commission not to expand its definition of VoIP services subject to CALEA.

HARRIS, WILTSHIRE & GRANNIS

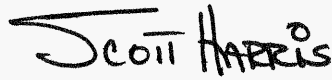
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Please direct any questions regarding this notification to me.

Respectfully submitted,

A handwritten signature in black ink that reads "Scott Harris". The signature is written in a cursive style with a large, stylized "S" at the beginning.

Scott Blake Harris

cc: Scott Bergmann